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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,051	07/24/2000	R. Bruce Wallace	12680R0US02U	6228

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EXAMINER

CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 11/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

# Office Action Summary

Application No.

09/624,051

Applicant(s)

WALLACE ET AL.

Examiner

Andrew Caldwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 21-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**Remarks**

Claims 1-31 are pending. Claims 21-31 are withdrawn from further consideration.

**Election/Restrictions**

Applicant's election without traverse of the invention of group I in the response filed on November 3, 2003 (paper no. 4) is acknowledged.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10-16, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagle, D., Active Storage Networks, [www.ece.cmu.edu/~asn/old/pubs/Active%20Storage%20Nets%20Intro.pdf](http://www.ece.cmu.edu/~asn/old/pubs/Active%20Storage%20Nets%20Intro.pdf), Carnegie Mellon Univ., pp. 1-14, July 16, 1998. Apparatus claims 10-16 and 19-20 will be discussed before method claims 1-7.

Regarding claim 10, Nagle anticipates the claimed invention by disclosing an apparatus (p. 4 slide 7 active router) that facilitates operations related to data storage

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1 between a first device (p. 4 slide 7 pc/client) and at least one data storage unit (p. 4  
2 slide 7 NASD) in a computer network (p. 4 slide 7 showing LAN/WAN protocol between  
3 the pc and active router) comprising:

4 A file system that indicates location of data stored on at least one data  
5 storage unit (p. 4 slide 7 showing file system);

6 Circuitry that processes network protocol data units associated with the  
7 operations based on storage services protocol set information to facilitate  
8 transmission of the data unit (p. 4 slide 7 active router).

9 Regarding claim 11, Nagle teaches an apparatus wherein said circuitry balances  
10 loads associated with selected read transactions (p. 5 slide 10).

11 Regarding claim 12, Nagle teaches an apparatus wherein said circuitry  
12 duplicates data units associated with selected write transactions to achieve mirroring (p.  
13 6 slide 11).

14 Regarding claim 13, Nagle teaches an apparatus wherein said circuitry  
15 duplicates data units associated with selected transactions to achieve N-way mirroring  
16 (p. 6 slide 11).

17 Regarding claim 14, Nagle teaches an apparatus wherein said circuitry  
18 duplicates selected metadata (p. 9 slide 17).

19 Regarding claim 15, Nagle teaches an apparatus wherein said circuitry facilitates  
20 ensuring right to access based on originator (p. 7 slide 13 access control).

21 Regarding claim 16, Nagle teaches a system wherein said circuitry blocks access  
22 to selected destinations (p. 7 slide 13 access control).

Regarding claim 19, Nagle teaches a system wherein said circuitry includes a host (p. 7 slide 13 file manager and slide 14 manager).

Regarding claim 20, Nagle teaches a system wherein said circuitry includes a switch (p. 5 slide 10).

Regarding claims 1-7, they are method claims corresponding to apparatus claims 10-16, respectively. Since they do not teach or define above the information in the corresponding apparatus claims, they are rejected under the same basis.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1           Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable  
2 over Nagle in view of Pfleeger, C., Security in Computing, 2<sup>nd</sup> ed., Prentice-Hall PTR,  
3 pp. 286-292, 1997. Apparatus claims 17-18 will be discussed before method claims 8-  
4 9.

5  
6           Regarding claim 17, Nagle teaches the invention substantially as claimed. See  
7 the rejection of claim 10 above. Nagle teaches a system including a secure server  
8 environment (p. 8 slide 16) but does not teach a system wherein said circuitry monitors  
9 and logs access. Pfleeger on the other hand teaches that auditing is a key feature of  
10 secure systems (p. 289) and that auditing includes monitoring and logging access (p.  
11 291 logging security events). It would have been obvious to one of ordinary skill in the  
12 art at the time the invention was made to combine Pfleeger's auditing system with the  
13 secure system of Nagle because of Pfleeger's teaching that auditing is a key feature of  
14 secure systems.

15           Regarding claim 18, Nagle teaches the invention substantially as claimed. See  
16 the rejection of claim 17 above. Nagle does not teach a system wherein said circuitry  
17 employs results from access monitoring and logging to detect unauthorized intrusion.  
18 Pfleeger on the other hand teaches the use of audit information in an intrusion detection  
19 system (p. 292). An intrusion detection uses such a system to detect unauthorized  
20 intrusion. It would have been obvious to one of ordinary skill in the art at the time the  
21 invention was made to combine Pfleeger's automated intrusion detection system with

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1 the secure system of Nagle because of Pfleeger's teaching that it enhances security by  
2 reducing the amount of audit information a human must review (p. 292).

3 Regarding claims 8-9, they are method claims corresponding to apparatus claims  
4 17-18, respectively. Since they do not teach or define above the information in the  
5 corresponding apparatus claims, they are rejected under the same basis.

6  
7 **Conclusion**


8 A shortened statutory period for response to this action is set to expire **three**  
9 **months** from the mail date of this letter. Failure to respond within the period for  
10 response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P.  
11 710.02, 710.02(b)).

12  
13 Any inquiry concerning this communication or earlier communications from the  
14 examiner should be directed to Andrew Caldwell, whose telephone number is (703)  
15 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m.  
16 EST.

17  
18 If attempts to reach the examiner by phone fail, the examiner's supervisor, Ario  
19 Etienne, can be reached at (703) 308-7562. Additionally, the fax numbers for Group  
20 2100 are as follows:

21  
22 Fax Responses: (703) 872-9306  
23

24 Any inquiry of a general nature or relating to the status of this application should  
25 be directed to the Group receptionist at (703) 305-9600.  
26

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29  
30

31  
32 Andrew Caldwell  
33 703-306-3036  
34 November 13, 2003  
35